



Jtw

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Koichi SUGITA et al.

Title: PROCESS FOR PRODUCING PLANT STORAGE  
ORGAN WITH HIGH PRODUCTION OF  
RECOMBINANT PROTEIN AND NOVEL  
RECOMBINANT PROTEIN

Appl. No.: 10/550,624

International Filing Date: 03/26/2004  
371(c) Date: 07/17/2006

Examiner: Cathy Kingdon Worley

Art Unit: 1638

Confirmation Number: 4611

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be

appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

### **RELEVANCE OF EACH DOCUMENT**

The foregoing documents came to Applicants' attention during a search of the corresponding European application. A copy of the European Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Applicants wish to advise the Examiner that documents WO 01/55213 and the publication by D. Yang et al, cited in the European Search Report, were previously submitted in an Information Disclosure Statement dated September 26, 2005 and are not provided herewith.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.


Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 30, 2008

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5490  
Facsimile: (202) 672-5399

By 

 Michael D. Kaminski *Reg No 35,264*  
Attorney for Applicant  
Registration No. 32,904